

HOUSE BILL NO. 306

INTRODUCED BY J. ECK

A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING CERTAIN LIMITATIONS ON UNEMPLOYMENT BENEFITS FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING; AMENDING SECTION 39-51-2111, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 39-51-2111, MCA, is amended to read:

"39-51-2111. Unemployment benefits for victims of domestic violence, sexual assault, or stalking.

(1) (a) An individual who is otherwise eligible for benefits may not be denied benefits because the individual left work or was discharged because of circumstances resulting from the individual or a child of the individual being a victim of domestic violence, a sexual assault, or stalking or the individual left work or was discharged because of an attempt on the individual's part to protect the individual or the individual's child from domestic abuse, a sexual assault, or stalking.

(b) The account of an employer with an experience rating as provided in 39-51-1213 may not be charged for the payment of benefits to an individual who left work or was discharged because of circumstances resulting from domestic violence, a sexual assault, or stalking as provided for in subsection (1)(a).

~~(c) An individual may not receive more than 10 weeks of unemployment benefits for the 12-month period after filing a claim under the provisions of this section. The provisions of this section do not affect the rights of an individual to receive unemployment insurance benefits that the individual is entitled to under other provisions of state law.~~

(C) AN INDIVIDUAL MAY NOT RECEIVE MORE THAN 14 28 WEEKS OF UNEMPLOYMENT BENEFITS FOR THE 12-MONTH PERIOD AFTER FILING A CLAIM UNDER THE PROVISIONS OF THIS SECTION. THE PROVISIONS OF THIS SECTION DO NOT AFFECT THE RIGHTS OF AN INDIVIDUAL TO RECEIVE UNEMPLOYMENT INSURANCE BENEFITS THAT THE INDIVIDUAL IS ENTITLED TO UNDER OTHER PROVISIONS OF STATE LAW.

(2) For the purposes of subsection (1), an individual must be treated as being a victim of domestic violence, a sexual assault, or stalking if the individual provides one or more of the following:

(a) an order of protection or other documentation of equitable relief issued by a court of competent

1 jurisdiction;

2 (b) a police record documenting the domestic violence, sexual assault, or stalking;

3 (c) medical documentation of domestic violence or a sexual assault; or

4 (d) other documentation or certification of domestic violence, a sexual assault, or stalking provided by
5 a social worker, clergy member, shelter worker, or professional person, as defined in 53-21-102, who has
6 assisted the individual in dealing with domestic violence, a sexual assault, or stalking.

7 (3) An individual who is otherwise eligible for benefits under this section becomes ineligible if the
8 individual remains in or returns to the abusive situation that caused the individual to leave work or be discharged.

9 (4) The department shall provide a report to the legislature, as provided in 5-11-210, regarding the
10 benefits applied for and granted under this section, including a summary of the demographics of applicants for
11 and recipients of the benefits and the average and total cost of benefits provided.

12 (5) For the purposes of this section:

13 (a) "domestic violence" means the physical, mental, or emotional abuse of an individual or the individual's
14 child by a person with whom that individual or the individual's child lives or has recently lived;

15 (b) "sexual assault" means sexual assault as described in 45-5-502, sexual intercourse without consent
16 as described in 45-5-503, incest as described in 45-5-507, or sexual abuse of children as described in 45-5-625;
17 and

18 (c) "stalking" has the meaning provided in 45-5-220."

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20 **NEW SECTION. Section 2. Effective date.** [This act] is effective July 1, 2015.

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